



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,256	09/27/2005	Paul Kenneth Rand	PB60091USW	5474
23347 7590 11/24/2009 GLAXOSMITHKLINE CORPORATE INTELLECTUAL PROPERTY, MAI B482 FIVE MOORE DR., PO BOX 13398 RESEARCH TRIANGLE PARK, NC 27709-3398				
EXAMINER WRIGHT, MADISON L				
ART UNIT 3781		PAPER NUMBER		
NOTIFICATION DATE 11/24/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USCIPRTP@GSK.COM
LAURA.M.MCCULLEN@GSK.COM
JULIE.D.MCFALLS@GSK.COM

Notice of Allowability**Application No.**

10/551,256

Applicant(s)

RAND, PAUL KENNETH

Examiner

Madison L. Wright

Art Unit

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to IDS filed 11/13/2009.
2. ☒ The allowed claim(s) is/are 10,12-15,17,20 and 22-27.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 11/13/2009
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Anthony Stashick/
Supervisory Patent Examiner, Art Unit 3781

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 11/13/2009 was filed after the mailing date of the Notice of Allowance on 08/13/2009. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Allowable Subject Matter

2. The following is a statement of reasons for the indication of allowable subject matter:

None of the prior art of record is seen to disclose or suggest the limitation of claim 10 that an opening at an end thereof of a size corresponding with a protrusion on the end of the chain link and the protrusion is a tubular portion having a hole therethrough; and a sleeve which is provided with an internal chamber for holding a powder product within the capsule; and the internal chamber is a first chamber and the capsule comprises a flange portion which separates the first chamber from a second chamber, the second chamber being for connecting a chain link thereto. For example, the closest reference found, Fassbind, teaches capsules that are placed into chain links but does not teach an opening at an end thereof of a size corresponding with a protrusion on the end of the chain link and the protrusion is a tubular portion having a hole therethrough; and a sleeve which is provided with an internal chamber for holding a powder product within the capsule; and the internal chamber is a first chamber and the

capsule comprises a flange portion which separates the first chamber from a second chamber, the second chamber being for connecting a chain link thereto.

None of the prior art of record is seen to disclose or suggest the limitation of claim 13 that an opening at an end thereof of a size corresponding with a protrusion on the end of the chain link and the protrusion is a tubular portion having a hole therethrough; and a sleeve which is provided with an internal chamber for holding a powder product within the capsule; and the internal chamber is a first chamber and the capsule comprises a flange portion which separates the first chamber from a second chamber, the second chamber being for connecting a chain link thereto; and a piston; and the sleeve and the piston are adapted to be displaced between a discharging position or state in which both the first chamber of the capsule is open to an outside environment and a vent provided in a base of the first chamber is open for allowing powder product from within the first chamber to be sucked out of the first chamber through the first opening to the outside environment and a sealing state in which both the first chamber is sealed from the outside environment and the vent is closed. For example, the closest reference found, Fassbind, teaches capsules that are placed into chain links but does not teach an opening at an end thereof of a size corresponding with a protrusion on the end of the chain link and the protrusion is a tubular portion having a hole therethrough; and a sleeve which is provided with an internal chamber for holding a powder product within the capsule; and the internal chamber is a first chamber and the capsule comprises a flange portion which separates the first chamber from a second chamber, the second chamber being for connecting a chain link thereto; and a piston;

and the sleeve and the piston are adapted to be displaced between a discharging position or state in which both the first chamber of the capsule is open to an outside environment and a vent provided in a base of the first chamber is open for allowing powder product from within the first chamber to be sucked out of the first chamber through the first opening to the outside environment and a sealing state in which both the first chamber is sealed from the outside environment and the vent is closed.

None of the prior art of record is seen to disclose or suggest the limitation of claim 20 that an opening at an end thereof of a size corresponding with a protrusion on the end of the chain link and the protrusion is a tubular portion having a hole therethrough; and the chain link is pivotally connected to the capsule at one end of the chain link. For example, the closest reference found, Fassbind, teaches capsules that are placed into chain links but does not teach an opening at an end thereof of a size corresponding with a protrusion on the end of the chain link and the protrusion is a tubular portion having a hole therethrough; and the chain link is pivotally connected to the capsule at one end of the chain link.

None of the prior art of record is seen to disclose or suggest the limitation of claim 22 that an opening at an end thereof of a size corresponding with a protrusion on the end of the chain link and the protrusion is a tubular portion having a hole therethrough; and the chain link is pivotally connectable to a capsule at both ends of the chain link. For example, the closest reference found, Fassbind, teaches capsules that are placed into chain links but does not teach an opening at an end thereof of a size corresponding with a protrusion on the end of the chain link and the protrusion is a

tubular portion having a hole therethrough; and the chain link is pivotally connectable to a capsule at both ends of the chain link.

None of the prior art of record is seen to disclose or suggest the limitation of claim 27 that an opening at an end thereof of a size corresponding with a protrusion on the end of the chain link and the protrusion is a tubular portion having a hole therethrough; and the chain links are pivotally connected to the capsules to form chain linked capsules. For example, the closest reference found, Fassbind, teaches capsules that are placed into chain links but does not teach an opening at an end thereof of a size corresponding with a protrusion on the end of the chain link and the protrusion is a tubular portion having a hole therethrough; and the chain links are pivotally connected to the capsules to form chain linked capsules.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madison L. Wright whose telephone number is 571-270-7427. The examiner can normally be reached on Monday thru Friday, 8:00 to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony Stashick/
Supervisory Patent Examiner, Art
Unit 3781

/M. L. W./
Examiner, Art Unit 3781